

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

MAY 13 2005

JOHN F. CORCORAN, CLERK
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KRISTIE LYNNE MORRIS,)	CASE NO. 3:05CV00015
)	
Plaintiff,)	
)	
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
MARTHA JEFFERSON HOSPITAL, <i>et al</i> ,)	
)	
Defendant,)	By: B. WAUGH CRIGLER
)	U.S. MAGISTRATE JUDGE

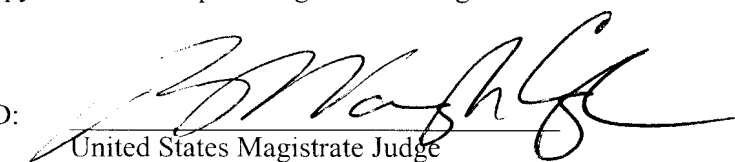
Construing plaintiff's May 12, 2005 Stipulation of Dismissal under Rule 41(a) as a motion for voluntary dismissal of Count IV of plaintiff's Complaint (Motion for Judgment), the only count upon which the defendants asserted subject matter jurisdiction in support of their removal of the case to this court from the Circuit Court of the City of Charlottesville, Virginia, since the period allowed by the rule to file such a stipulation of dismissal has expired, and the undersigned having been advised by counsel for defendants that there is no objection, it hereby is

RECOMMENDED

that the presiding District Judge treat the Stipulation as an unopposed motion to voluntarily dismiss Count IV of the Complaint and forthwith enter an order GRANTING the motion, DISMISSING Count IV, GRANTING the plaintiff's April 14, 2005 motion to remand and REMANDING the case to the Circuit Court of the City of Charlottesville, Virginia, in accordance with 28 U.S.C. § 1367(c), since the only claim upon which the subject matter jurisdiction of this court rested is being dismissed.

The Clerk is directed to transmit a copy hereof to the presiding District Judge and to all counsel of record.

ENTERED:


United States Magistrate Judge
May 13, 2005
Date